THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION Nos.15196, 16319, 16125, 16207, 16206,16205,16204, 16203, 15197, 15608, 15609, 15617, 15695, 15700, 15701, 15706, 15707 AND 15810 OF 2005

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Dated 27.7.2005

Between:

Dr. H. Kamala, W/o. B. Lakshmikanth and others

..Petitioners

AND

1. The Director of Medical Education,

   A.P. Hyderabad and others.

..Respondents.

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ORDER:

The present Writ Petitions are filed challenging the Orders passed in O.A.Nos.2941, 2831, 2707, 2755, 2715, 2751, 2741, 2708, 2997, 2776, 2790, 2789 of 2005 dated 05.07.2005; 3290 dated 08.07.2005, 2716, 2752, 2734, 2726 and 2912 of 2005, dated 05.07.2005.

The main grievance of the petitioners in these Writ Petitions is that they have been reverted back from the posts of Professors and Associate Professors to the lower cadre on the ground that their cases fall under G.O.Ms.No.502 HM&FW (A1)

Department, dated 13.09.2003, which was the subject matter in O.A.Nos.6309 and 6322 of 2003.

The case of the petitioners before the Tribunal was that their cases do not fall under G.O.Ms.No.502 dated 13.09.2003 and hence reversions should not be effected. But, however, the Tribunal disposed of the batch of O.As filed by the petitioners with an observation, which reads as follows:

> "We have perused the earlier promotion orders and posting orders filed in various O.As., the said promotion orders are all subject to the litigation pending before this Tribunal and High Court of Andhra Pradesh. Prima facie, we are not convinced that the applicants have fulfilled the nine years experience in the feeder categories in the concerned specialities. However, we cannot examine the aspect of eligibility and qualifications on case to case basis.
>
> The Judgment reported in 2005 SCC (L&S) 563 relied upon by the learned counsel for the applicants is not at all applicable to the facts and circumstances of the present cases.
>
> In view of the above, it is desirable to dispose of the batch of these O.As., with a direction to the applicants to make a detailed representation ventilating their grievances to the respondents, within two weeks from today and the respondents 1 and 2 are directed to consider and pass appropriate orders on such representations if any made as directed within four weeks thereafter, in accordance with law.

Aggrieved by the same, the present Writ Petitions have been filed.

It is contended before us by the respective counsel appearing for the petitioners that the Tribunal has erred in coming to the conclusion that it is not convinced that the petitioners-applicants have fulfilled the nine years experience in the feeder categories in the concerned specialities and that it cannot examine the aspect of eligibility and qualifications on case to case basis. It is further contended that the above conclusion has been arrived at by the Tribunal even before the Government filed its counter and the observation made by the Tribunal that the petitioners-applicants have not fulfilled nine years experience in the feeder categories itself goes to show that the Order has been passed on merits that too without going into the cases independently. It is also further contended that most of the petitioners are not covered under G.O.Ms.No.502 and their cases have to be independently dealt with.

On 19.07.2005, this Court granted interim Order to the following effect:

> "Interim suspension subject to condition that there is no deviation from express regulations with regard to minimum qualification as observed by Tribunal in O.A.No.6322 of 2003 and batch dated 17.11.2004".

Under the above circumstances and in view of the fact that the Tribunal, without going into the merits of the case, has made an observation with regard to the eligibility of the petitioners, we deem it appropriate to set aside the Orders of the Tribunal and remand the matters to the Tribunal for fresh consideration in accordance with law independently on its own merits. The respondents viz., the Director of Medical Education, A.P., Hyderabad and the Principal Secretary to the Government, Health, Medical and Family Welfare Department, Secretariat, Hyderabad are directed to file their counters independently in each case within two weeks from today and the Tribunal is also directed to dispose of each O.A. on its own merits on or before 31.10.2005. It is made clear that the interim Order granted by this Court on 19.07.2005 shall be in force till the disposal of the said O.As by the Tribunal. It is also made clear that wherever this Court granted status-quo orders, those orders are modified with the above observation.

With the above direction, the Writ Petitions are disposed of. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 27.07.2005

<u>Note:</u> The Registry is directed

to put up copy of the Order

in each bundle

(b.o)

bsv/lvl